



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANK M. PECK,

Plaintiff,

vs.

HOWARD SKOLNICK, *et al.*,

Defendants.

3:09-cv-0381-LRH-VPC

ORDER

Plaintiff Frank M. Peck, has a Second Amended Complaint alleging violations of his constitutional rights under 42 U.S.C. § 1983. The complaint is subject to the provisions of 28 U.S.C. § 1915. The Second Amended Complaint sets forth the allegations previously approved by the court in its screening order of August 3, 2010. In that order plaintiff was advised his complaint could proceed as to Court II, which alleged an Eighth Amendment violation. The Second Amended Complaint is adequate to proceed and shall be served upon the defendants.

IT IS THEREFORE ORDERED as follows:

1. The Clerk shall electronically serve a copy of this order, including the attached Notice of Intent to Proceed with Mediation form, along with a copy of plaintiff's second amended complaint (docket #19), on the Office of the Attorney General of the State of Nevada, to the attention of Pamela Sharp.

2. The Attorney General's Office shall advise the Court within **twenty-one (21) days** of the date of entry of this order whether it can accept service of process for the named defendants. As to any of the named defendants for which the Attorney General's Office cannot accept service, the Office shall file, *under seal*, the last known address(es) of those defendant(s).

1
2 Name _____

3 Prison Number (if applicable) _____

4 Address _____

5 _____

6 _____

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10
11 _____,)
12 Plaintiff,)
13 v.)
14 _____)
15 Defendants.)

Case No. _____

NOTICE OF INTENT TO
PROCEED WITH MEDIATION

16 This case may be referred to the District of Nevada's early inmate mediation program. The
17 purpose of this notice is to assess the suitability of this case for mediation. Mediation is a process by
18 which the parties meet with an impartial court-appointed mediator in an effort to bring about an
expedient resolution that is satisfactory to all parties.

19 1. Do you wish to proceed to early mediation in this case? ____ Yes ____ No

20 2. If no, please state the reason(s) you do not wish to proceed with mediation? _____

21 _____

22 _____

23 _____

24 3. List any and all cases, including the case number, that plaintiff has filed in federal or state court
25 in the last five years and the nature of each case. (Attach additional pages if needed).

26 _____

1 _____
2 _____
3 4. List any and all cases, including the case number, that are currently pending or any pending
4 grievances concerning issues or claims raised in this case. (Attach additional pages if needed).
5 _____
6 _____
7 _____

8 5. Are there any other comments you would like to express to the court about whether this case is
9 suitable for mediation. You may include a brief statement as to why you believe this case is suitable for
10 mediation. (Attach additional pages if needed).
11 _____
12 _____
13 _____

14 This form shall be filed with the Clerk of the Court on or before thirty (30) days from the date
15 of entry of this order.

16 Counsel for defendants: By signing this form you are certifying to the court that you have
17 consulted with a representative of the Nevada Department of Corrections concerning participation in
18 mediation.

19 Dated this ____ day of _____, 2010.

20 _____
21 Signature

22 _____
23 Name of person who prepared or
24 helped prepare this document
25
26